

# EXHIBIT 3

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LANDSCAPE CONSULTANTS OF  
TEXAS, INC., and METROPOLITAN  
LANDSCAPE MANAGEMENT, INC.,

Plaintiffs,

v.

CITY OF HOUSTON, TEXAS, and  
MIDTOWN MANAGEMENT DISTRICT,

Defendants.

Civil Action No. 4:23-cv-03516

**CITY OF HOUSTON'S  
RESPONSES TO PLAINTIFFS'  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

TO: Plaintiffs Landscape Consultants of Texas, Inc. and Metropolitan Landscape Management, Inc., by and through their counsel of record.

Defendant City of Houston, Texas ("Defendant" or "the City") submits this as its Responses to Plaintiffs' Requests for Production of Documents.

Please note that the City's review of potentially responsive documents and materials is ongoing as of the date of these responses. The City will produce responsive documents on a rolling basis, to be completed no later than May 20, 2024. Please contact the undersigned with any questions or concerns regarding this proposal.

*-signatures follow-*

Respectfully submitted,

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**ATTORNEYS FOR THE CITY OF HOUSTON**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of May, 2024, a true and correct copy of the foregoing was served on counsel of record by email.

/s/ Ben Stephens

Ben Stephens

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

All documents identified in the City's Initial Disclosures.

**RESPONSE:**

The City of Houston refers Plaintiffs to documents produced contemporaneously with its Initial Disclosures and produced contemporaneously with these responses.

**REQUEST FOR PRODUCTION NO. 2:**

All documents, including manuals or guidelines, that the City has relied upon in making procurement decisions or awards from January 1, 2019, to present.

**OBJECTIONS:**

The City of Houston objects that this Request is unduly burdensome and not proportionate to the needs of the case. Specifically, "[a]ll documents, *including...*" is overbroad. The City further objects that documents pertaining to procurement decisions or awards other than the procurement decision made with regards to Landscape Consultants of Texas, Inc.'s May 2021 contract are outside the scope of permissible discovery.

**RESPONSE:**

Subject to and without waiving the foregoing objections, the City will produce manuals and/or guidelines upon which the City has relied in making procurement decisions or awards.

**REQUEST FOR PRODUCTION NO. 3:**

All annual, periodic, or other reports, studies, evaluations, or similar documents on the City's procurement awards from January 1, 2019, to present.

**OBJECTIONS:**

The City objects that “similar documents” is vague, ambiguous, and overbroad.

**RESPONSE:**

Subject to and without waiving the foregoing objections, the City will produce annual and/or periodic reports, studies, and/or evaluations on the City’s procurement awards for the stated timeframe.

**REQUEST FOR PRODUCTION NO. 4:**

All reports, studies, evaluations, or similar documents on procurement outcomes for MWSBE firms (including any reports, studies, evaluations, or similar documents broken out by race, ethnicity, or sex) and non-MWSBE firms from January 1, 2019, to present.

**OBJECTIONS:**

The City objects that “similar documents” is vague, ambiguous, and overbroad. The City further objects that “procurement outcomes” is vague and ambiguous. To the extent this request seeks incomplete or draft studies, the City refers to and incorporates its objections to Requests for Production 7, 10, and 11.

**RESPONSE:**

Subject to and without waiving the foregoing objections, the City will produce reports, studies, and/or evaluations, if any, pertaining to the City’s MWSBE program for the stated timeframe.

**REQUEST FOR PRODUCTION NO. 5:**

All documents relating to investigations, inquiries, or reviews into alleged race, ethnicity, or sex-based discrimination in the award of specific City contracts from January 1, 2019, to present.

**OBJECTIONS:**

The City objects that a request for *all* documents relating to “investigations, inquiries, or reviews” is not proportionate to the needs of the case, posing an undue burden and disproportionate expense in relating to the importance of these issues to the action and to the parties’ claims or defenses.

**RESPONSE:**

Subject to and without waiving the foregoing, the City will produce all documents, if any, relating to investigations, inquiries, or reviews into alleged race, ethnicity, or sex-based discrimination in the award of construction contracts for the stated timeframe. The City will supplement this response as necessary or appropriate following the conclusion of the City’s rolling production.

**REQUEST FOR PRODUCTION NO. 6:**

All requests for proposals, requests for qualifications, invitations to bid, and awarded contracts for research or consulting services related to alleged race, ethnicity, or sex-based discrimination in City procurement decisions or awards from January 1, 2014, to present.

**OBJECTIONS:**

The City of Houston objects to this Request as it seeks information not relevant to the parties’ claims or defenses, and not proportionate to the needs of the case. RFPs, RFQs, invitations

to bid, and awarded contracts for consulting services are irrelevant to the question of whether disparities exist justifying the City's MWSBE program. Specifically, data underlying disparity studies never adopted or relied upon by the City of Houston is not relevant and not important to resolving any disputed issue.

**REQUEST FOR PRODUCTION NO. 7:**

All underlying data for any research or study relating to the City's MWSBE program, including all published and unpublished disparity studies, from January 1, 2019, to present.

**OBJECTIONS:**

This request seeks information not relevant to any party's claims or defenses and not proportionate to the needs of the case. Specifically, data underlying disparity studies never adopted or relied upon by the City of Houston is not relevant and not important to resolving any disputed issue.

**REQUEST FOR PRODUCTION NO. 8:**

All documents relating to procurement processes that would normally have resulted in a contract award to the lowest responsive and responsible bidder, but instead resulted in a contract award to a business other than the lowest responsive and responsible bidder, including the bid tabulation and any basis for the award, from January 1, 2019, to present.

**OBJECTIONS:**

This request concerns matters and seeks information not relevant to the claims and defenses of the parties, and not proportional to the needs of the case, and is overbroad. Furthermore, the City objects that the competitive procurement process is not always based on a "lowest responsive



and responsible bidder” standard, and bidders may or may not be awarded a contract for any number of reasons. Accordingly, this request is confusingly phrased and is not capable of being answered as written.

**REQUEST FOR PRODUCTION NO. 9:**

All documents relating to or supporting each compelling interest identified in Interrogatory No. 4.

**OBJECTIONS:**

Please refer to the City’s objections to Interrogatory No. 4, which are incorporated herein.

**RESPONSE:**

Subject to and without waiving the foregoing objections, responsive, non-privileged documents will be produced.

**REQUEST FOR PRODUCTION NO. 10:**

All documents relating to any draft, incomplete, or complete disparity study undertaken by Colette Holt & Associates for the City between January 1, 2016, to January 1, 2021, including monthly progress reports.

**OBJECTION(S):**

This request seeks information not relevant to any party’s claims or defenses and not proportionate to the needs of the case, and subject to the attorney-client and work-product privileges. Specifically, a draft or incomplete disparity study never adopted or relied upon by the City of Houston is not relevant and not important to resolving any disputed issue.

**REQUEST FOR PRODUCTION NO. 11:**

All documents relating to any draft, incomplete, or complete disparity study undertaken by MGT Consulting, from January 1, 2020, to present.

**OBJECTIONS:**

This request seeks information not relevant to any party's claims or defenses and not proportionate to the needs of the case, and subject to the attorney-client and work-product privileges. Specifically, a draft or incomplete disparity study never adopted or relied upon by the City of Houston is not relevant and not important to resolving any disputed issue.

**RESPONSE:**

Subject to and without waiving the foregoing objections, responsive and non-privileged documents will be produced.

**REQUEST FOR PRODUCTION NO. 12:**

All documents relating to any former MBE or WBE that was re-classified as an established business enterprise pursuant to Houston Code § 15-87 from January 1, 2014, to present.

**OBJECTIONS:**

The City objects that this request seeks information not relevant to any party's claims or defenses and not proportionate to the needs of the case. Re-classification of other business enterprises in the last ten years is not relevant or important to the issues presented by this case.

**REQUEST FOR PRODUCTION NO. 13:**

All documents relating to any appeals by established business enterprises under Houston Code § 15-88 and the outcome of each appeal from January 1, 2014, to present.

**OBJECTIONS:**

The City objects that this request is dramatically overbroad and disproportionate to the needs of the case. Appeals by business enterprises in general have no bearing on Plaintiffs' claims or on the City's defenses. The City will respond to this request as seeking any information relating to any appeals by either of the Plaintiffs to this suit.

**RESPONSE:**

Subject to and without waiving the foregoing objections, responsive, non-privileged documents will be produced.

**REQUEST FOR PRODUCTION NO. 14:**

All documents relating to your response to Interrogatory No. 5.

**OBJECTIONS:**

Please refer to the City's objections to Interrogatory No. 4.

**RESPONSE:**

Subject to and without waiving the foregoing, none.

**REQUEST FOR PRODUCTION NO. 15:**

All documents relating to your response to Interrogatory No. 6.

**OBJECTIONS:**

Please refer to the City's objections to Interrogatory No. 6.

**RESPONSE:**

Subject to and without waiving the foregoing, none.

**REQUEST FOR PRODUCTION NO. 16:**

All documents relating to your response to Interrogatory No. 7.

**RESPONSE:**

Subject to and without waiving the foregoing objections, responsive, non-privileged documents will be produced. Please also refer to the answer to Interrogatory No. 7.

**REQUEST FOR PRODUCTION NO. 17:**

All documents relating to your response to Interrogatory No. 8.

**OBJECTIONS:**

Please refer to the City's objections to Interrogatory No. 8.

**RESPONSE:**

Subject to and without waiving the foregoing objections, responsive, non-privileged documents will be produced.